

UNITED STATES DISTRICT COURT
for the
Northern District of Georgia
Atlanta Division

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U.S.D.C. Atlanta

JAN 28 2019

JAMES A. ... Clerk
By: [Signature] Deputy Clerk

Michael Chatman
Plaintiff

V.

Case Number:

1 19-CV-0459

- 1) Secretary of Defense
- 2) Mr. Kenneth Holdcraft

Defendant

Complaint

CSTC-A Resource Management (RM)
Ministry of Defense, Procurement
318.449.0208 (DSN)
070.346.8416 (Roshan)
Michael. A. Chatman.civ@mail.mil

Mrs. Mason-Keeley
Equal Employment Opportunity Commission
Bagram, Afghanistan

22 December 2018

Dear Mrs. Mason-Keeley,

Please allow this letter to serve as my formal complaint based on racial (African American), age (DOB 25 December 1956, and 61 years of age), and sex (male) discrimination against me. The acts of discrimination against me was committed by participants in the MoDA Program who were hired by Combined Security Transition Command-Afghanistan (CSTC-A) to Train, Assist and Advise Afghans at the Ministry level. CSTC-A should be vicariously liable for the acts of discrimination towards me which are prohibited by the code of Federal Regulations.

Factual Background:

I am a MoDA Class 25, Procurement Advisor working on Camp RS in Kabul, Afghanistan. I started my tour of duty on 4 April 2018.

During my current tour in Afghanistan, I have endured an office climate that is very toxic. As an African American male working in this section I have been exposed to what one of my graduate professor identified as "White Male Privilege" (WMP). When the class asked him what does the term "WMP" stands for, "He stated that it was White privilege (or white skin privilege) which is the societal privilege that benefits people whom society identifies as white in some countries, beyond what is commonly experienced by non-white people under the same social, political, or economic circumstances. Academic perspectives such as critical race theory and whiteness studies use the concept to analyze how racism and racialized societies affect the lives of white or white-skinned people. According to Peggy McIntosh, whites in Western societies enjoy advantages that non-whites do not experience, as "an invisible package of unearned assets." White privilege denotes both obvious and less obvious passive advantages that white people may not recognize they have, which distinguishes it from overt bias or prejudice. These include cultural affirmations of one's own worth; presumed greater social status; and freedom to move, buy, work, play, and speak freely. The effects can be seen in professional, educational, and personal contexts. The concept of white privilege also implies the right to assume the universality of one's own experiences, marking others as different or exceptional while perceiving oneself as normal.

Thus, my complaint should be investigated to include the unlawful action taken by Mr. Holdcraft when he placed negative remarks in the shared drive for any and all to see. This is an invasion of privacy, a violation of the Privacy Act, 5 U.S.C. § 552a. The Privacy Act protects an individual's personal identifiable information (PII) held within a system of records. Federal officials handling personal information are bound by the Privacy Act not to disclose via the sharing of data on any computer regarding an individual's personal information and are to take certain precautions to keep personal information confidential. According to *Big Ridge, Inc. v. Fed. Mine Safety & Health Review Comm'n*, 715 F.3d 631, 650 (7th Cir. 2013), "No agency shall disclose or make available any record which is contained in a system of records by any means of communication to any person, or to another agency, except pursuant to a written request by, or with the prior written consent of, the individual to whom the record pertains **subject to 12 exceptions.**" 5 U.S.C. § 552 a (b).

A civil action under the Privacy Act can be properly filed against an "agency" and against an individual, a government official, an employee, or the United States. See, e.g., *Jacobs v. BOP*, No. 12-5129, 2012 WL 6603085, at *1 (D.C. Cir. Dec. 17, 2012) (per curiam); *Kates v. King*, 487 F. App'x 704, 706 (3d Cir. 2012) (per curiam); *Flores v. Fox*, 394 F. App'x 170, 172 (5th Cir. 2010) (per curiam); *Jones v. Luis*, 372 F. App'x 967, 969 (11th Cir. 2010) (per curiam); *Weinberger v. Grimes*, No. 07-6461, 2009 WL 331632, at *8 (6th Cir. Feb. 10, 2009); *Alexander v. Washington Gas Light Co.*, No. 06-7040, 2006 WL 3798858, at *1 (D.C. Cir. Aug. 24, 2006); *Martinez v. BOP*, 444 F.3d 620, 624 (D.C. Cir. 2006); *Pennyfeather v. Tessler*, 431 F.3d 54, 55 (2d Cir. 2005); *Connelly v. Comptroller of the Currency*, 876 F.2d 1209, 1215 (5th Cir. 1989); *Petrus v. Bowen*, 833 F.2d 581, 582-83 (5th Cir. 1987); *Schowengerdt v. Gen. Dynamics Corp.*, 823 F.2d 1328, 1340 (9th Cir. 1987); *Hewitt v. Grabicki*, 794 F.2d 1373, 1377 & n.2 (9th Cir. 1986); *Unt. v. Aerospace Corp* 442, 450 (D.D.C. 1991) and *Stephens v. TVA*, 754 F. Supp. 579, 580 n.1 (E.D. Tenn. 1990).

Further, the negative remarks generated by Mr. Holdcraft were based on a written report with a body of work that both he and Mr. Nolen did not understand. See the attached files name AFG and Bid Evaluation. They lack the very basic knowledge of post award contracting. A copy of this report can be provided during the actual investigation of this formal complaint. Also, I prepared another report and he (Mr. Holdcraft) stated, "That report is what is needed to provide TAA to the FASST employee's insight into the effective way to evaluate bids.

Also, I was placed on a PIP, which is something not done in theater. I have never had in my 36 years of working experiences had any one to place me on a PIP. I heard before Mr. Mirza left, he wanted to place Ken in another office/area.

Ken and JR stated that my post award works were great. However, Mr. Mirza wanted to concentrate mainly on doing RAB/PAB. I was told by JR and Ken, if I did not accept the responsibilities of mail, movement tracker, phone and other office functions, that Mr. Mirza will sent me home. That was not a true statement; this was something Ken told JR to say. I thought JR was the supervisor instead of Ken.

Thus, based on the negative remarks exposed in the shared drive on the RM-DP section, those remarks have had a negative impact on my deployment status. Based on the negative remarks

Ms. Butler and Mr. Cole—former supervisor of Mr. Holdcraft can explain why they did not allow him to be the procurement lead in RM-DP---they are both current federal government employees-number can be provided if needed.

I am asking help in remedying the subject matters. Your time and attention will be greatly appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Chatman". The signature is fluid and cursive, with a large, stylized "M" and "C".

Michael Chatman

Senior Advisor